

Message Text

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ACTION SCS-05

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FM AMEMBASSY PARAMARIBO
TO SECSTATE WASHDC 3465

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E.O. 11652: N/A
TAGS: CARR
SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ABROAD

FOR SCS

REF: STATE 147704 AND PARAMARIBO 0587

1. EMBASSY HAS LOOKED FURTHER INTO THIS QUESTION AND THIS MESSAGE REPLACES PARAMARIBO 0587 AS OUR REPLY TO STATE 147704.
2. THE ATTORNEY GENERAL OF SURINAM (A NON-POLITICAL OFFICIAL APPOINTED FOR LIFE) INFORMS US THAT THERE IS NOW NO LEGAL PROVISION FOR THE ASSIGNMENT OF "PUBLIC DEFENDER" TYPE LEGAL COUNSEL FOR PERSONS ARRESTED OR TRIED IN SURINAM FOR CRIMINAL OFFENSES. SUCH COUNSEL IS, HOWEVER, AVAILABLE AT GOVERNMENT EXPENSE FOR PERSONS IN CIVIL CASES WHO ARE UNABLE TO PAY FOR PRIVATE COUNSEL.
3. IN THE PAST AND UP UNTIL THE PRESENT, WHEN A PERSON ARRESTED OR PUT ON TRIAL WHO WAS NOT ABLE TO PAY FOR LEGAL COUNSEL APPLIED TO THE ATTORNEY GENERAL OR THE PRESIDING JUDGE FOR HELP, THE LATTER HAS FOLLOWED THE PRACTIC OF REFERRING THE REQUEST TO THE LAWYERS' ASSOCIATION FOR VOLUNTEER ASSISTANCE IN CASE A LAWYER

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WAS WILLING TO PROVIDE THE SAME. WHILE THERE WAS NO COMPULSION AND NO PAYMENT BY THE GOVERNMENT INVOLVED, THE ATTORNEY GENERAL SAID THAT IN HIS EXPERIENCE A LAWYER WAS ALWAYS PREPARED TO ASSIST UNDER SUCH CIRCUMSTANCES. THERE HAS NOT BEEN, HOWEVER, ANY LEGAL REQUIREMENT THAT DEFENDANT IN A CRIMINAL CASE BE REPRESENTED BY COUNSEL. THE JUDGE ALWAYS MAKES PLAIN

TO THE DEFENDANT, HOWEVER, ACCORDING TO THE ATTORNEY GENERAL, THAT HE HAS THE RIGHT TO SUMMON WITNESSES AND OTHERWISE PRESENT HIS CASE. IT SHOULD BE NOTED IN SURINAM THAT JUDGES THEMSELVES INTERROGATE WITNESSES AND DEFENDANTS, THIS NOT BEING LIMITED TO OPPOSING COUNSEL.

4. THE ATTORNEY GENERAL STATED THAT A REVISION OF THE PENAL CODE OF SURINAM IS NOW BEFORE PARLIAMENT WHICH, WHEN ENACTED, WILL PROVIDE FOR MANDATORY GOVERNMENT-PAID COUNSEL FOR ALL PERSONS WHO CANNOT AFFORD IT FROM THE TIME OF ARREST THROUGH DETENTION AND TRIAL. SUCH ASSISTANCE WILL APPLY TO ALL PERSONS IN SURINAM, INCLUDING AMERICANS.

5. LEGAL REPRESENTATION OF AMERICANS HAS NOT HERETOFOR BEEN A PROBLEM IN SURINAM. THE ATTORNEY GENERAL WAS NOT ABLE TO RECALL ANY CASE OF AN AMERICAN ARRESTED HERE ON CRIMINAL CHARGES DURING THE LAST TEN YEARS. ZURHELLEN

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